

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4833

IN THE MATTER OF:

Served May 9, 1996

Investigation of Unauthorized)
Operations of ALL-STAR PRESIDENTIAL,)
LLC, and PRESIDENTIAL COACH CO. and)
Affiliation with PRESIDENTIAL)
LIMOUSINE SERVICE, INC., WMATC)
No. 148)

Case No. MP-95-82

On February 27, 1996, in Order No. 4774, the Commission assessed a civil forfeiture against respondents in the amount of \$1,150 for knowing and willful violations of the Compact. Respondents were ordered to pay that amount within thirty days, and the president/sole shareholder of respondent Presidential Limousine Service was directed to show cause within thirty days why he should not be required to disassociate himself from Presidential Coach and All-Star Presidential.

On March 26, in response to the show-cause order, Presidential Limousine's president caused to be filed All-Star Presidential's Articles of Organization and an Operating Agreement among All-Star and its members. The articles state that "[t]he purposes for which the Company is formed are for the operation of a motor coach and tour company and any other lawful purpose." Likewise, section 2.3 of the agreement states that "[t]he Company is organized to operate a motor coach and tour business and to do any and all things necessary, convenient, or incidental to that purpose." The members are identified in both documents as: Diane Boyd; Theodore M. Brown, DBA Star Dome Coach Lines; Shirley McNeill; Lawrence Williams; and Frederick A. Scott.

On March 28, respondent Presidential Limousine Service requested a thirty-day extension of the payment deadline on the ground that its current cash flow suffers from a reduced demand for services in recent months. That request was granted on April 2 in Order No. 4806, and the payment was subsequently made. Meanwhile, on April 1, in response to the show-cause order, Presidential Limousine's president filed a copy of Presidential Coach's Articles of Dissolution, which are effective December 31, 1995, and name Diane Butler Boyd as "Trustee for purposes of closing and winding-up the affairs of the corporation." Remaining assets are to be distributed 90 percent to shareholder Jeffrey Boyd and 10 percent to shareholder William B. Adona.

On April 5, Presidential Limousine filed nine leases covering the nine vehicles listed in its annual report for 1995. Presidential Coach is the lessor on five of the leases. S and S Bus Service is the lessor on two others, and Traveland International, Inc., is the lessor on the remaining two. All of the leases have been signed by William B. Adona on behalf of the lessors. According to Presidential

Limousine's annual report and Presidential Coach's Articles of Dissolution, Mr. Adona is the General Manager of Presidential Limousine and a shareholder/director/officer of Presidential Coach.

The leases are unacceptable for filing. The Presidential Coach leases must be signed by Ms. Butler Boyd as the trustee for winding-up Presidential Coach's affairs. Once Presidential Coach's vehicles have been titled in the name of the new owner, new leases must be signed by that person and accepted for filing before Presidential Limousine may operate them as lessee. The other four leases must be signed by someone with authority to bind Traveland, as well as S and S. The record suggests Mr. Adona lacks the requisite authority. Presidential Limousine will be directed to cease and desist from operating these vehicles unless and until new leases have been filed and approved.

During the course of this proceeding, respondents have represented to this Commission that All-Star was formed for the purpose of owning real estate. All-Star's Articles of Organization and Operating Agreement contradict that assertion. Further, it appears that some or all of the members of All-Star are carriers themselves, or otherwise have ties to carriers. Accordingly, we will direct All-Star to furnish a list of the vehicles in its possession, custody or control showing the following for each vehicle: (1) year, make and model; (2) vehicle identification number; (3) tag number and jurisdiction; and (4) seating capacity. All-Star also will be directed to produce evidence of ownership or a lease for each such vehicle. Finally, All-Star will be directed to describe any passenger carrier authority it holds and identify any passenger carriers with which it is affiliated.

The members of All-Star will be required to produce the same information with respect to any vehicles in their possession, custody or control and with respect to any passenger carrier authority they might possess and any passenger carrier affiliations they might have. Each member will be responsible for furnishing his or her information only.

THEREFORE, IT IS ORDERED:

1. That Presidential Limousine Service, Inc., is hereby directed to cease and desist from operating the vehicles covered by the leases filed April 5, 1996, unless and until new leases have been filed and approved.

2. That All-Star Presidential, L.L.C., is hereby directed to file on or before May 24, 1996, an original and four copies of the following:

(a) a list of the vehicles in All-Star's possession, custody or control showing the following for each vehicle: (1) year, make and model; (2) vehicle identification number; (3) tag number and jurisdiction; and (4) seating capacity;

(b) evidence of ownership or a lease for each vehicle on the list filed pursuant to the preceding paragraph; and

(c) a statement describing any passenger carrier authority All-Star holds and identifying any passenger carriers with which All-Star is affiliated.

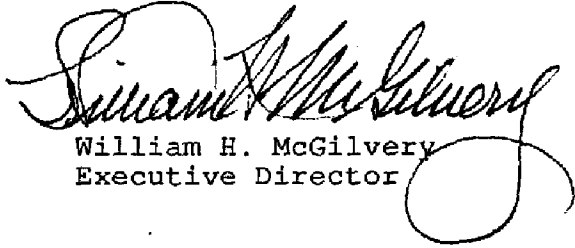
3. That each member of All-Star Presidential, L.L.C., is hereby directed to file on or before May 24, 1996, an original and four copies of the following:

(a) a list of the vehicles in the member's possession, custody or control showing the following for each vehicle: (1) year, make and model; (2) vehicle identification number; (3) tag number and jurisdiction; and (4) seating capacity;

(b) evidence of ownership or a lease for each vehicle on the list filed pursuant to the preceding paragraph; and

(c) a statement describing any passenger carrier authority the member holds and identifying any passenger carriers with which the member is affiliated.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER AND LIGON:


William H. McGilvery
Executive Director

